

REMARKS

This amendment is responsive to the Office Action dated February 9, 2005.

In order to simply the issues and to expedite issuance of this application, applicant has canceled a large number of claims. The cancelled claims are not being abandoned. They will be presented in continuing applications.

Claims 1-58 were originally in this application.

Claims 1-58 have been rejected.

Claims 2-4, 6-9, 11-12, 14-31, and 33-58 have been cancelled.

Claim 59 has been added.

Claims 1, 5, 10, 13, and 32 have been amended.

Claims 1, 13, 32 and 59 are the independent claims still in this application.

Claims 5 and 10 are the dependent claims still in this application.

Reconsideration and allowance of Claims 1, 5, 10, 13, 32 and 59 is respectfully requested for the reasons explained below.

In paragraph 1 of the office action, claims 1-15 and 32-58 were rejected under 35 U.S.C. § 101 because "the bodies of the claims do not recite technology, i.e. computer implementation or any other technology in a non-trivial manner".

The claims have been amended to specify that the invention as claimed utilizes technology in a non-trivial manner to produce a useful tangible result.

Reconsideration of this rejection in view of the amendments is respectfully requested.

It is noted that applicant has added a new claim 59. New claim 59 is a means plus function system claim that parallels the language in claim 1.

In paragraph 3 of the office action, claims 1, 2, 7-18, 23-28, 32, 34-38, and 40-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 5,794,207) and Motoyama (U.S. Patent No. 5,913,202).

Reconsideration and allowance of applicant's claims as amended, over Walker and Motoyams is respectfully requested for the following reasons.

Applicant's invention provides an anonymous transaction system that provides a buyer with confirmed binding pre-approved offers. The system uses personal client information to obtain third party information such as credit reports or medical information. The third party information received by the system is divided into personal third party information and anonymous third party information..

Anonymous client information and the anonymous third party information are sent to sellers. Based upon the anonymous client information and the anonymous third party information sellers make binding pre-approved offers to buyers without knowing the specific identity of the buyer.

Applicant's system allows buyers to receive binding pre-approved offers from multiple suppliers. The applicant's system is buyer driven. The buyer receives binding pre-approved offers and chooses one of the offers to make a binding contract. With applicant's system a buyer can receive multiple pre-approved binding offers from a plurality of sellers.

The applicant's system can group consumers with similar characteristics into groups or sets. Suppliers can select sub-sets of clients that have similar information and make a binding offer to a group of clients having a particular set of characteristics.

The Walker reference discloses a system wherein a conditional purchase offer from a buyer is provided to multiple sellers. The seller selects offers and makes the decision to enter into a binding transaction. In contrast to how Walker's system operates, in the applicant's system a buyer is presented with binding pre-approved offers and the buyer selects from the binding pre-approved offers. In applicant's system, a seller makes pre-approved offers after reviewing the buyer's anonymous client information and anonymous third party information

Applicant's system insures that only one seller can accept a particular purchase offer. In the Walker system, a buyer does not receive multiple binding offers from sellers. In the Walker system a seller selects a particular conditional purchase offer and makes a contract with the one particular buyer. In Walker's system, the seller does not make pre-approved offers to a group of buyers.

Motoyama discloses a financial information intermediary system which extracts the most suitable product information from a wide variety of financial product information provided by many financial institutions, so that consumers can easily receive information about desired financial products. The system is designed to provide users that have a particular profile with general advertising type of information from sellers. After a buyer selects a supplier, the supplier is provided with information that allows the supplier to decide if there should be a binding transaction. There is no mechanism for providing buyers with pre-approved offers from sellers.

Applicant's Claim 1 as amended recites in part:

"electronically compiling client files, including data sets that contain personal client information that uniquely identify clients and data sets that contain anonymous client information that does not uniquely identify clients and that does provide information needed by sellers to make offers;

providing suppliers with anonymous client information without revealing personal client information, enabling suppliers to select at least one subset of clients based upon the anonymous client information;

electronically receiving and providing to clients pre-approved offers from said suppliers".

As explained above, neither Walker or Motoyama discloses any mechanism whereby the suppliers only receives anonymous information and based upon the anonymous information the suppliers make pre-approved offers and the client receives "pre-approved offers from said suppliers" as recited in applicant's claim 1.

In Walker, a seller selects and acts upon a particular conditional purchase offer. In Motoyama it is the client who selects from the list of product information provided by the intermediary system and sends a particular choice to the system. The system

then informs the seller. (see Motoyama col 9, lns 18-30). The product information provided to the buyer is not a not a "pre-approved offer" as recited in applicant's claim. That is, in Motoyama the product information provided to the buyer is general advertising information and not a pre-approved offer. A pre-approved offer is one where the seller has reviewed the buyers characteristics (i.e. the anonymous client information and the anonymous third party information) and the seller has decided that the particular buyer meets the seller's criteria and that the seller is making a binding offer to this particular buyer.

In summary, neither Motoyama nor Walker discloses recited in applicant's claim 1. Applicant therefore respectfully request reconsideration and allowance of claim 1.

Claim 13 focuses on the aspects of the applicant's system that relates to using the applicant's personal information to obtain a credit report. The credit payment information is merged with the demographic and employment information. The credit information along with the demographic and employment information (but not the personal information) is used to determine if a buyer qualifies for a pre-approved offer.

Claim 13 as amended recites in part:

".....electronically submitting a plurality of consumer applications to an intermediary,

obtaining the consumer credit reports and mergingthe credit and payment information from said credit report with consumer's demographic and employment information;

electronically comparing the merged demographic, employment, credit, and payment information, not including personal identifiers, with the minimum criteria necessary for the product;

electronically evaluating the merged (data) ...not including personal identifiers, to determine the risk associated with extending credit to the consumer and to determine a product price; and

electronically and anonymously, providing to qualified consumers pre-approved offers from suppliers willing to provide the requested products".

As explained above, in the system disclosed in the Walker reference, a conditional purchase offer from a buyer is provided to multiple sellers. In Walker's system, a seller can accept the purchase offer and a binding contract is then established. In the Walker system, a buyer does not receive multiple binding offers from sellers.

In Motoyama, the suppliers only provide product information. A buyer does not receive multiple binding pre-approved offers from sellers.

Therefore, neither Motoyama nor Walker discloses the steps recited in claim 13. That is, neither Motoyama nor Walker disclose or suggest the combination steps recited in claim 13 that includes

- 1) submitting a plurality of consumer applications to an intermediary,
- 2) obtaining the consumer credit reports and merging the consumer's demographic and employment information;
- 3) comparing the merged (data) with the minimum criteria necessary for the product
- 4) evaluating the merged (data) to determine the risk associated with extending credit to the consumer and to determine a product price; and
- 5) anonymously, providing to qualified consumers pre-approved offers from suppliers willing to provide the requested product.

Applicant therefore respectfully request reconsideration and allowance of Claim 13.

Claim 32 focuses on the fact that in applicant's system, information obtained from third parties is divided into: (1) third party supplied personal information that uniquely identifies clients and (2) data sets that contain third party supplied anonymous information that does not uniquely identify the clients. An anonymous information data set is generated that contains information that is necessary and sufficient for suppliers to evaluate a client for a risk-based offer; however, the supplier is not provided with any personal information that identifies the client.

Claim 32 recites in part:

"using the client supplied anonymous information and client supplied personal information to obtain third party information"..

"separating the third party information into third party supplied personal information .. and third party supplied anonymous information ... ;

".... generating an anonymous transaction profile by combining the client supplied personal information and third party supplied personal information..."

".... comparing the anonymous transaction profile with criteria from a seller"

".... generating an pre-approved offer to the buyer when the anonymous transaction profile meets said criteria".

In Walker's system, the seller responds to a specific conditional purchase offer. In Montoyams's system, the seller selects from data provided by the seller. In contrast to the above claim 32 includes a series of steps where buyer provides a request, this is compared to seller criteria and the buyer is provided with a binder pre-approved offer.

Thus, the combination of Walker and Motoyama do not teach all of the elements recited in claim 32. Applicant respectfully request reconsideration and allowance of Claim 32.

The dependent that are still in this application are dependent claims 5 and 10. These depend claims depend upon the independent claims discussed above. These dependent claims distinguish from the references for the the same reasons as explained above relative to the independent claims.

Applicant respectfully request reconsideration and allowance of dependent claims 1, 5, 10, 13, 32, and 59 for the reasons explained above.

In paragrah 4 of the Office Action, Claims 3, 19, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No.

5,794,207) and Motoyama (U.S. Patent No. 5,913,202), and further in view of Saladin et al. (U.S. Patent No. 5,262,941).

Claims 3, 19 and 39 are no longer in this application, hence, this rejection will not be discussed.

In the bottom part of paragraph 4 of the office action Claims 4 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 5,794,207) and Motoyama (U.S. Patent No. 5,913,202), and further in view of Eberhardt et al. (U.S. Patent No. 5,832,488).

Claims 4 and 20 are no longer in this application, hence this rejection will not be discussed.

In paragraph 5 of the office action, claims 5, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker and further in view of Coulter et. al and Eberhardt .

As a preliminary matter, it is noted that the list of cited references does not include a Coulter reference. In a telephone conference between the undersigned attorney and Examiner Clark, Examiner Clark indicated that the reference to Cloulter was a typographical error and that the reference should have been to Saladen et. al. The following response therefore assumes that the reference to Coulter should have been to Saladin et al. (U.S. Patent No. 5,262,941). Claim 21 is no longer in this application, hence, only claim 5 will be discussed.

The application of Saladin together with the other references to claim 5 will now be discussed.

Saladin discloses a credit evaluation system. Saladin's system includes a database and a program for arriving at a credit recommendation by means of a decision matrix tree that emulates the thought processes used by human credit experts.

Saladin does not disclose modify the credit rating to strip off all of the personal information that uniquely identifies clients.

Claim 5 is dependent upon claim 1 and it therefore includes the limitations of claim 1. That is, claim 5 includes the following limitations recited in claim 1:

“electronically compiling client files, including data sets that contain personal client information that uniquely identify clients and data sets that contain anonymous client information that does not uniquely identify clients and that does provide information needed by sellers to make offers;
providing suppliers with anonymous client information without revealing personal client information, enabling suppliers to select at least one subset of clients based upon the anonymous client information;
electronically receiving and providing to clients pre-approved offers from said suppliers”.

The references other than Saladin were previously discussed and the previous discussion of these references is also applicable to this rejection. Nothing in Saladin supplies what is missing in the previously discussed references. Thus, reconsideration and allowance of dependent claim 5 is respectfully requested.

In paragraph 6 of the office Action: Claims 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 5,794,207) and Mandler (U.S. Patent No.5,732,400A).


Claims 29-31 have been canceled so this rejection need not be addressed.

In Summary: As explained above none of the cited references teach the inventions recited in applicant's claims. Therefore, reconsideration and allowance of claims 1, 5, 10, 13, 32 and 59 as amended is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney at (503) 222-3613 in order to resolve any matters that could possibly be resolved by a telephone conference.

Respectfully submitted,

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